

**JOINT**  
**PUBLIC NOTICE**

CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107  
and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
Office of Environmental Quality Control  
Water Quality Certification and Wetlands Programs Section  
2600 Bull Street  
Columbia, South Carolina 29201

REGULATORY DIVISION  
Refer to: P/N #2005-2W-284-W

16 September 2005

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

**IRBY JAMES**  
**138 BELLWOOD CT.**  
**HOLLY HILL, SOUTH CAROLINA 29059**

for a permit to construct a pond in wetlands upstream of an unnamed tributary of

FOUR HOLE SWAMP

at a location southwest of Holly Hill off of White Sands Road in Orangeburg County, South Carolina  
(Latitude -33.28958°, Longitude - 80.45174°)

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

**12 O'CLOCK NOON, MONDAY, 3 OCTOBER 2005**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of excavating a 0.267 acre pond with a dozer/backhoe. Approximately 2511 cubic yards of material will be removed from the project site and transported by off road truck to high ground approximately 150 feet away where it will be spread by dozer and seeded. Timber on the site was removed previously. The purpose of the proposed work is to construct a pond for the private recreational use of the applicant.

**NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the**

REGULATORY DIVISION  
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Irby James

16 September 2005

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The District Engineer will not process this application to a conclusion until such certification is received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to Water Quality Certification must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.267 acres of freshwater habitat located well upstream from estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act. That decision will reflect the national concern for both protection and utilization of important

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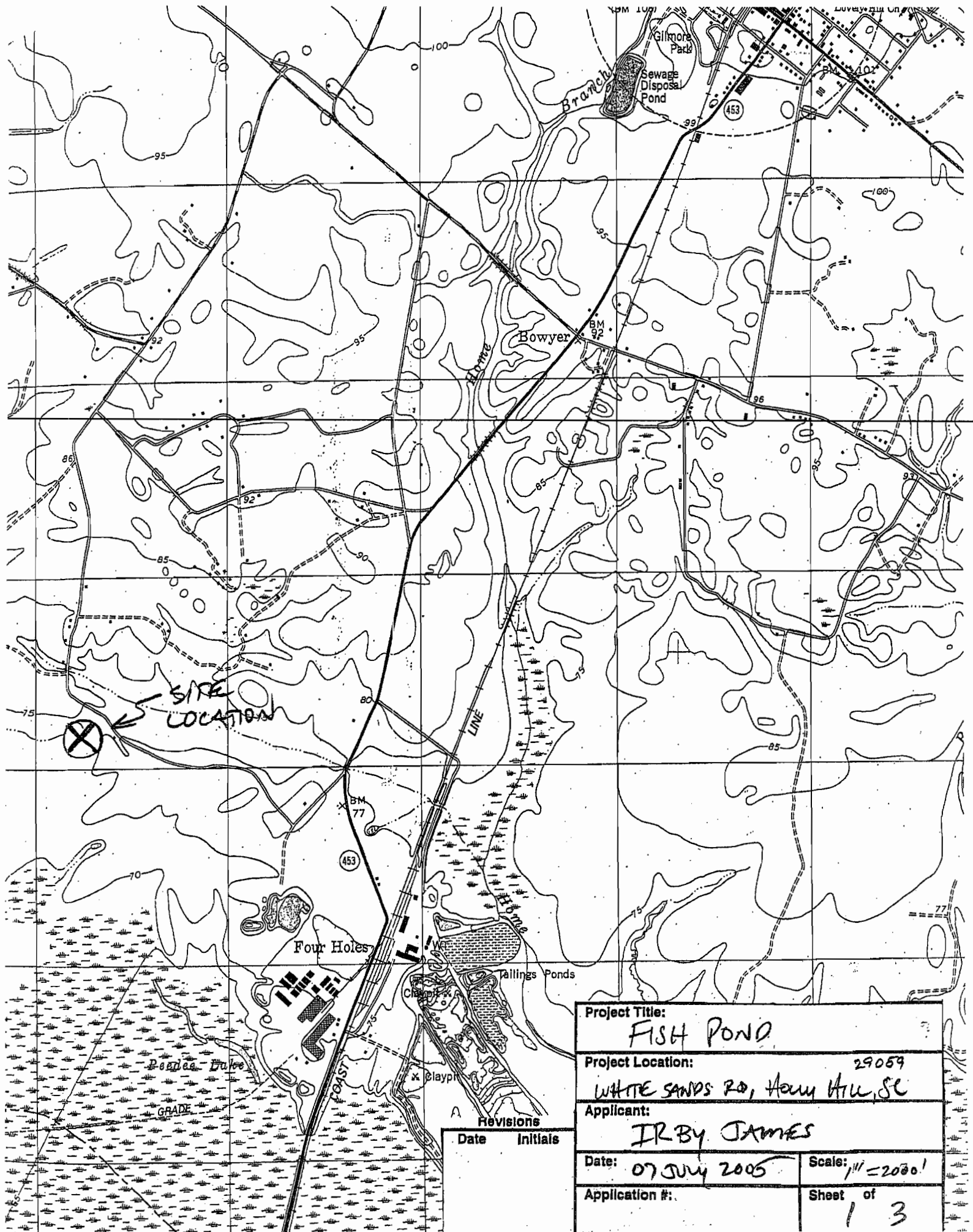
resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.



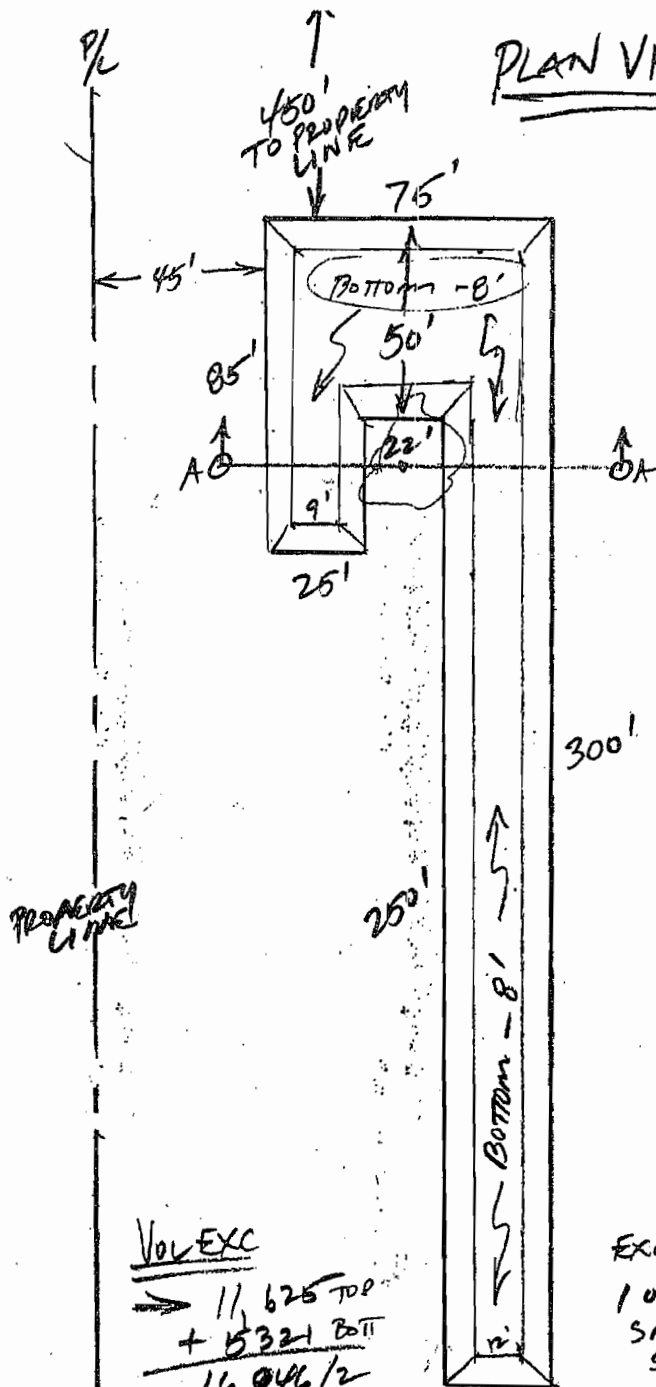
Robin D. Coller-Socha  
Project Manager  
Regulatory Division  
US. Army Corps of Engineers



Project Title: <b>FISH POND</b>	
Project Location:	<b>29059</b> <b>WHITE SANDS RD, HOWAY HILL, SC</b>
Applicant: <b>IRBY JAMES</b>	
Date:	<b>07 JULY 2005</b>
Application #:	<b>Scale: 1" = 2000'</b> <b>Sheet 1 of 3</b>

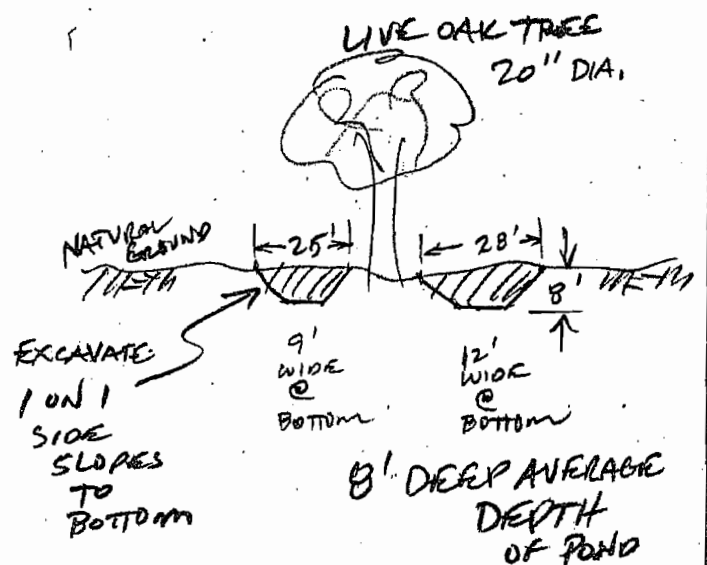
Revisions	
Date	Initials

# PLAN VIEW



NOTE: POND TO BE DUG OUT BY  
DOZER/BACKHOE AND  
MATERIAL TRANSPORTED  
TO HIGH GROUND APPROX.  
150' FEET AWAY BY  
OFF ROAD TRUCK WHERE  
IT WILL BE SPREAD BY  
DOZER AND SEEDED.

## SECTION A-A VIEW



### VOL EXC

$$\begin{aligned} & \Rightarrow 11,625 \text{ TOP} \\ & + 5321 \text{ BOT} \\ & \hline 16,946 / 2 \\ & \times 8' \text{ DEEP} \\ & \hline 27 \Rightarrow 2571 \text{ CY} \end{aligned}$$

### BOTTOM AREA

$$\begin{aligned} & 284 \times 12 = 3408 \\ & + 34 \times 38 = 1292 \\ & + 69 \times 9 = 621 \\ & \hline 5321 \text{ SF} \\ & \hline 43580 \\ & \Rightarrow 0.122 \text{ ACRES} \end{aligned}$$

### SURFACE

$$\begin{aligned} \text{AREA} &= 300 \times 20 = 6000 \\ & + 50 \times 22 = 1100 \\ & + 25 \times 85 = 2125 \\ & \hline 11,625 \text{ SF} \\ & \hline 43,560 \text{ SF/AC} \\ & \Rightarrow 0.267 \text{ ACRES} \end{aligned}$$

### Revisions

Date Initials

### Project Title:

FISH POND

### Project Location:

29059  
WHITE SANDS RD, HOLLY HILL, SC

### Applicant:

IRBY JAMES

### Date:

07 JULY 2005

Scale: 1" = 50'

### Application #:

Sheet of  
2 3

Jurisdictional Determination for the James Tract  
Orangeburg County, South Carolina

US Army Corps of Engineers, Charleston District  
SAC 80-2004-1475(B) October 8, 2004



Proprietary Information  
Not for Distribution

APPROPRIATE  
CONCENTRATION  
OF POND

Project Title:

FISH POND

Project Location:

29069

WHITE SANDS RD, Henry HUG, SC

Applicant:

IR By JAMES

Date:

07 July 2005

Scale:

NFS

Application #:

Sheet of

3 3

Revisions

Date Initials